2855. Misbranding of seconal sodium capsules. U. S. v. Ether Ewer (Ewer Drug Co.). Plea of guilty. Fine of $250 on first four counts of information; fine of $500 on remaining 5 counts. Fine of $500 suspended and defendant placed on probation for 1 year. (F. D. C. No. 26730. Sample Nos. 23131–K, 23133–K, 23135–K, 23137–K, 23139–K, 23140–K, 23517–K.)

INFORMATION FILED: September 16, 1949, Northern District of Texas, against Ether Ewer, trading as the Ewer Drug Co., Dallas, Tex.

ALLEGED SHIPMENT: Prior to the date of the sales of the *seconal sodium capsules* by the defendant, as hereinafter described, the capsules were manufactured in Indianapolis, Ind., and shipped in interstate commerce into the State of Texas.

ALLEGED VIOLATION: On or about September 1, 3, 8, 12, 16, 18, and 23, and October 13 and 14, 1948, and while a number of *seconal sodium capsules* were being held for sale after shipment in interstate commerce, the defendant caused a number of the capsules to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged *seconal sodium capsules* being misbranded. Each container of the repackaged capsules bore a label containing, among other things, the number of a prescription which had been previously filled by the defendant, the name of the doctor issuing such prescription, the name and address of the defendant, and certain directions for use.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the label of the repackaged *seconal sodium capsules* contained no statement of the quantity of the contents. Section 502 (d), the *seconal sodium capsules* were a drug for use by man and contained a chemical derivative of barbituric acid, which derivative has been found by the Administrator of the Federal Security Agency, after investigation, to be, and by regulations designated as, habit-forming; and the label of the repackaged *seconal sodium capsules* failed to bear the name and quantity or proportion of such derivative and, in juxtaposition therewith, the statement, "Warning—May be habit forming"; Section 502 (e) (1), the label of the repackaged capsules failed to bear the common or usual name of the drug, *seconal sodium;* and, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use since the directions appearing variously on the packages, "One as d'td," "One at bed tn," "One as need for Rest," "One as need," "One before bed time," "One at bed tim," were not adequate directions for use.

DISPOSITION: September 21, 1949. A plea of guilty having been entered, the court imposed a fine of $250 on the first four counts of the information and a fine of $500 on the remaining five counts. The fine of $500 was suspended, and the defendant was placed on probation for 1 year.

2856. Action to enjoin and restrain the interstate shipment of IDU A New Skin Remedy. U. S. v. William B. Schmidt (IDU Products Co.). Temporary decree of injunction; injunction action subsequently dismissed. (Inj. 192.)

COMPLAINT FILED: On or about April 27, 1948, Western District of Wisconsin, against William B. Schmidt, trading as the IDU Products Co., at Tomahawk, Wis.

NATURE OF CHARGE: The defendant, William B. Schmidt, has been and was at the time of filing the complaint, introducing and delivering for introduction

into interstate commerce at Tomahawk, Wis., consignments of a drug designated as "IDU A New Skin Remedy," which consisted essentially of a mixture of isopropyl alcohol, small proportions of chloral hydrate, camphor, methyl salicylate, mercuric chloride, and water, and which was misbranded in the following respects:

Section 502 (a), certain statements on the label of the article were false and misleading since they represented and suggested that the article constituted an adequate treatment for irritations of the skin and scalp, eczema in all its forms, salt-rheum, itch, hives, ringworm, barber's itch, scalp troubles, tetter, erysipelas, chilblains, sores, boils, varicose ulcers, and all pustular skin eruptions, whereas the article did not constitute an adequate treatment for such disease conditions;

Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and it contained an ingredient designated on the label as "Hydrargyri Chloridum Cor"; and the label of the article did not bear the common or usual name of such ingredient, namely, corrosive sublimate, a mercury derivative;

Section 502 (f) (2), the labeling failed to bear adequate warnings against unsafe methods and duration of administration and application in such manner and form as are necessary for the protection of users, in that the article contained corrosive sublimate, a derivative of mercury; and its labeling failed to warn that use of the article may cause irritation of the skin, and that application of the article to large areas of the skin may cause serious mercury poisoning.

The complaint alleged further that unless restrained, the defendant would continue to introduce and deliver for introduction into interstate commerce the misbranded article.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: July 3, 1948. A temporary injunction was entered, enjoining the defendant during the pendency of the action from introducing or delivering, or causing the introduction or delivery, for introduction into interstate commerce, the article designated as "IDU A New Skin Remedy," which was misbranded as alleged in the complaint. Thereafter assurances were received from the defendant that he was disposing of the business, and, accordingly, the injunction was dismissed on May 5, 1949.

2857. Misbranding of acetophenetidin and aspirin tablets. U. S. v. 2 Drums, etc. (F. D. C. No. 27224. Sample Nos. 57711–K to 57714–K, incl.)

LIBEL FILED: May 20, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about July 19, 1948, by the Suter Chemical Co., from Altoona, Pa.

PRODUCT: *Acetophenetidin and aspirin tablets.* 2 drums, each containing 250,000 tablets; 10 drums, each containing 40,000 tablets; 12 bottles, each containing 126 tablets; 36 bottles, each containing 42 tablets; 250 bottles, each containing 126 tablets; and 160 bottles, each containing 42 tablets.